

REMARKS

Claims 1-11 are pending in this application, with claim 1 being the sole independent claim under consideration.

Claims 1, 3, and 6-11 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent Application Publication No. US 2004/0126993 (Chan '993) in view of U.S. Patent Application Publication No. US 2005/0081958 (Adachi); claims 2 and 5, as being obvious from Chan '993 and Adachi, and further in view of U.S. Patent No. 6,274,459 (Chan '459); and claim 4, as being obvious from Chan '993 and Adachi, and further in view of U.S. Patent No. 6,846,718 (Aga).

It is submitted that Adachi does not qualify as prior art against the present application. 35 U.S.C. § 102(e) provides:

A person shall be entitled to a patent unless... (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent... except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language... (Emphasis added.)

Adachi is a National Stage filing of PCT/JP03/13514, filed on October 22, 2003. However, PCT/JP03/13514 was published in the Japanese language, not in the English language. Therefore, Adachi is only prior art as of its U.S. publication date of April 21, 2005. Since the present application has an effective date of January 14, 2004, Adachi does not qualify as prior art against the present application.

Even though it is not necessary for Applicants to address the rejection of the claims on the merits, Applicants nevertheless submit that, even if Adachi had qualified as prior art against

the claims, nothing in Chan '993 or Adachi, whether considered either separately or in any permissible combination (if any) would teach or suggest the features recited in claim 1.

Accordingly, claim 1 is seen to be patentable over the cited references.

The other claims in this application are each dependent from claim 1 discussed above and are therefore believed patentable for the same reasons.

It is respectfully requested that, in view of the fact that Adachi does not qualify as prior art against the claims, any next Action, if it is not a Notice of Allowance, be made non-final.

In view of the foregoing remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Respectfully Submitted



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